

The opinion in support of the decision being entered today
is not binding precedent of the Board.

Paper No. ~~55~~ **6**

Filed by: Hubert C. Lorin
Administrative Patent Judge
Box Interference
Washington, D.C. 20231
Tel: 703-308-9797
Fax: 703-308-6200

Filed
September 19, 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MAILED

SEP 20 2002

ANDREW S. KATOCS, JR., ELWOOD LARGIS
AND SOTIRIOS K. KARATHANAS

**PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES**

Junior Party,

v.

RONALD M. EVANS, DAVID J. MANGELSDORF, RICHARD A. HEYMAN,
MARCUS F. BOEHM, GREGOR EICHELE AND CHRISTINA THALER

Senior Party

Patent Interference No. 103,931

SUPPLEMENTAL REDECLARATION OF INTERFERENCE

In accordance with the "SUPPLEMENTAL DECISION ON JOINT SUPPLEMENTAL PRELIMINARY MOTION UNDER 37 CFR §1.633(c)" (Paper No. 54), this interference is redeclared to (1) remove Katocs' Reissue Application 09/176,003 from the interference, (2) to remove Count A, and (3) to not designate Katocs Patent Claim 1 and Katocs Reissue Claim 1 as corresponding to Count A, as follows:

JUNIOR PARTY

Patentees: ANDREW S. KATOCS, JR.
 10 Roxbury Court,
 Chestnut Ridge, New York 10997

 ELWOOD LARGIS
 118 Highview Avenue
 Nanuet, New York 10954

 SOTIRIOS K. KARATHANASIS
 567 Route 9W,
 Grandview, New York 10960

Application: 07/860,814, filed 03/31/92, now U.S. Patent No. 5,219,888, issued
 06/15/93, now surrendered

Title: Use of Retinoids for the Treatment of Coronary Artery Disease

Assignee: American Cyanamid Company

Attorneys: Rebecca R. Barrett

Associate: None

Accorded benefit: None

Address: American Home Products Corporation
 Patent Department 2B
 One Campus Drive
 Parsippany, NJ 07054

SENIOR PARTY

Patentees: ROBERT M. EVANS
8615 La Jolla Scenic Drive, North
La Jolla, California 92037

DAVID J. MANGLES DORF
1446 Cardinal Creek Drive
Duncanville, Texas 75137

RICHARD A. HEYMAN
147 Honeycomb Court
Encinitas, California 92024

MARCUS F. BOEHM
3833 Lamont St., #4E
San Diego, California 92109

GREGOR EICHELE
2030 Swift Blvd.
Houston, Texas 77030

CHRISTINA THALLER
2030 Swift Blvd.
Houston, Texas 77030

Application: 08/482,737, filed 06/07/95

Title: Method for Modulation of Lipid Metabolism

Assignee: 1) The Salk Institute for Biological Studies
2) Baylor College of Medicine
3) Ligand Pharmaceuticals, Inc.

Attorneys: Douglas E. Olson
Michael J. Wise

Associate: None

Accorded benefit: 08/244,857, filed 06/14/94; PCT US92/11214, filed 12/18/92;
07/809,980, filed 12/18/91, now abandoned

Address: Douglas E. Olson
Brobeck, Phleger & Harrison LLP
12390 El Camino Real
San Diego, California 92130-2081

COUNT B

A method to modulate lipid metabolism in a subject, said method comprising administering to said subject an effective amount of 9-cis-retinoic acid, or pharmaceutically acceptable carrier containing same;

or

A method of increasing plasma HDL levels in a mammal which comprises administering 9-cis-retinoic acid in a pharmacologic amount effective to increase said plasma HDL levels.

The claims of the parties which correspond to the count are:

Katocs et al. (U.S. Patent No. 5,219,888):	Claim 1
Katocs et al. (Reissue Application 09/176,003):	None
Evans et al. (Application 08/482,737):	Claim 30



Hubert C. Lorin
Administrative Patent Judge

Attorney for Junior Party

Rebecca R. Barrett
American Home Products Corporation
Patent Department 2B
One Campus Drive
Parsippany, NJ 07054

Attorney for Senior Party

Douglas E. Olson
Brobeck, Phleger & Harrison LLP
12390 El Camino Real
San Diego, CA 92130-1081

HCL/eld